This is in response to the non-final Office Action mailed November 20, 2007 which reopened prosecution following the filing of an Appeal Brief by the Applicant on August 31, 2007.

A telephonic interview was held on April 18, 2007 between the Examiner and the below signed Applicant's Attorney to discuss the case and the newly cited references set forth in the Office Action. The Applicant's Attorney expresses gratitude to the Examiner for his professionalism and courtesy during the interview.

During the interview, the operational advantages of various claimed features of previously presented independent claims 1 and 11 were discussed in view of the art of record. Generally, the "multiple user logins" feature enhances efficiency of the data transfer by relying upon the system's own internal mechanisms to perform load balancing among different competing users. See e.g., specification, page 8, lines 30-33. The "auto-brake" feature generally enhances efficiency of the data transfer since the risk of server timeouts or other anomalous events during a given data servicing operation may generally increase as the elapsed I/O time increases. See e.g., specification, page 9, lines 24-31.

While no agreement on patentability was reached, the Applicant's Attorney agreed to make certain claim amendments to the claims to better set forth the patentability of the claimed subject matter, and the Examiner indicated that such amendments would advance the present prosecution.

Accordingly, amendments have now been presented to the language of claims 1, 9 and 11, and claim 18 has been cancelled without prejudice. Claim 1 now generally features "*wherein an auto-brake function is initiated that defines a maximum input/output elapsed*

time interval that a server associated with the computer network can continuously service each of the query statements in turn, wherein at the conclusion of a selected time interval *ongoing data transfer* for a selected one of the query statements is *interrupted,* the associated data subset transferred to that point is *retained,* and the server switches to execution of a *remaining one* of the query statements. "

Support for this language includes the previously presented language of dependent claim 9, as well as FIG. 7 and in the specification at page 9, line 20 to page 10, line 1. The Applicant respectfully submits that in view of the foregoing, the newly added language is fully supported by the application as originally filed.

Dependent claim 9 has been amended to now generally feature "*wherein the simultaneously executing step further comprises a resumption of the execution of the selected one of the query statements to transfer a remaining portion of the associated data subset.* " Support for this amendment is provided including FIG. 7 and in the specification at page 9, lines 20-25 and page 10, lines 5-8.

The skilled artisan would note that FIG. 7 describes substantially the same volume of records being pulled (each of the curves 190 and 192 represents about 13,000 records – specification, page 9, lines 22-25), and would further note the all of the desired ranges of data are successfully pulled during step 196 of the flow of FIG. 5 (specification, page 10, lines 5-8).

The skilled artisan would conclude that the auto-brake function as originally disclosed operates to limit any given transfer for a given time (such as 30 seconds), and cycles through partial data pulls among the various query statements until all of the data have been successfully pulled. The subject matter of claim 9 thus does not constitute new

matter, but would readily be viewed as having been in the possession of the inventors at the time of filing. MPEP 2163.02.

Independent claim 11 now generally includes *"wherein the desired range is accessible using a <u>single login account</u> of a computer network associated with the database, and wherein the plurality of query statements are executed by logging into the computer network under a <u>different login account</u> for each query statement."* Support includes that set forth above as well as the previously presented language of claims 1 and 18. This additional language is also believed to not constitute new matter.

Information Disclosure Statement

The Examiner noted a discrepancy on the Information Disclosure Statement (IDS) filed January 15, 2004 with regard to the reference listed as U.S. 6,207,022 to Hong. The Examiner indicated that this reference patent number is actually directed to non-related art.

The Applicant apologizes for this error and will continue to investigate to determine whether the intended reference can be identified. It is not believed that the intended reference is material to patentability.

Rejection of Claims Under 35 U.S.C. §103(a)

All pending claims 1-7, 9-17 and 20 stand finally rejected as being obvious over various combinations of references including U.S. Patent No. 5,875,180 to Hallmark et al. ("Hallmark '180), U.S. Patent No. 6,732,100 to Brodersen et al. ("Brodersen '100"), U.S. Patent No. 6,011,758 to Dockes et al. ("Dockes '758"), and U.S. Patent No. 5,388,254 to Betz et al. ("Betz '254").

As the Examiner will appreciate, an obviousness determination includes a requirement to show a teaching or suggestion in the prior art for each claim limitation. *In re Royka*, 180 USPQ 580 (CCPA 1974); See also MPEP 2143.03.

Obviousness determinations are further made in view of *Graham v. John Deere*, 363 US 1 (1966), which requires a number of inquiries including evaluation of both the claimed subject matter and the cited references as a whole to evaluate whether the skilled artisan would find it desirable to arrive at the claimed combination. See also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (2007).

In the present case, it is respectfully submitted that none of the cited references teach or suggest *"simultaneously executing the plurality of query statements to access said database and transfer associated data subsets into a memory space by logging into the computer network under a <u>different login account</u> for each query statement,"* as claimed by claim 1.

The newly cited Office Action relies on Brodersen '100 to supply this limitation, but the Applicant respectfully maintains that this reference merely suggests to provide different user logins with different levels of access to system resources. Brodersen '100 allows one user under a first login account to grant access to another user under a second login account so that both login accounts can concurrently access the same data resource. See Brodersen '100, col. 2, lines 18-23.

This does not teach or suggest *"logging into the computer network under a <u>different login account for each query statement</u>"* as claimed. Indeed, it seems to rather suggest the opposite, since different login accounts in Brodersen '100 access the same resource, not different resources.

The Applicant further respectfully submits that none of the art of record teach or suggest *"wherein an auto-brake function is initiated that defines a maximum input/output elapsed time interval that a server associated with the computer network can continuously service each of the query statements in turn, wherein at the conclusion of a selected time interval ongoing data transfer for a selected one of the query statements is interrupted, the associated data subset transferred to that point is retained, and the server switches to execution of a remaining one of the query statements,"* as claimed by claim 1.

It appears that Betz '254 has been supplied for the so-called "auto-brake function." The Applicant respectfully maintains that Betz '254 teaches a scheme whereby data transfers are successfully carried out only if the transfers can be fully completed and verified before the end of the available time interval. If the transfer or verification is still ongoing when the time interval expires, the transaction is aborted and any transferred data are jettisoned. See e.g., Betz '254, col. 5, lines 28-40. This fails to teach or suggest *"wherein at the conclusion of a selected time interval ongoing data transfer for a selected one of the query statements is interrupted, the associated data subset transferred to that point is retained, and the server switches to execution of a remaining one of the query statements,"* as claimed.

The Applicant further submits that the skilled artisan would not find it desirable to arrive at the claimed subject matter of claim 1 through a combination of the above references. For example, Betz '254 is directed to financial transaction data transfers such as in the environment of on-line banking services, where timeouts are preferred to successful but late transfers, and partial transfers would be wholly undesirable. See Betz

'254, col. 1, lines 17-22. Reconsideration and allowance of claim 1, and for the claims depending therefrom, are accordingly solicited.

As the various references are similarly deficient with regard to the subject matter of independent claim 11, reconsideration and allowance of claim 11, and for the claims depending therefrom, are also respectfully requested.

Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This Response is intended to be a complete response to the Office Action mailed November 20, 2007. Should any questions arise concerning this response, the Examiner is invited to contact the below signed Attorney.

Respectfully submitted,

By: _____
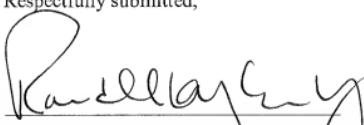
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